

Law and resistance: popular university legal advisory groups in Ceará

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Abstract

Popular university legal advice (assessoria jurídica universitária popular – AJUP) is a university outreach movement that works along with social minorities, as an alternative space in the face of mainstream dogmatic positivism. In such a scenario, this article aims to introduce the popular university legal advisory groups (AJUPs) in the State of Ceará, their areas of action, their obstacles, and their perspectives, highlighting the pedagogical aspects that build legal activism. To do this, 3 stages were covered: a) identification of groups; b) application of questionnaires; and c) participation in meetings. It was found that the 6 groups identified operate in a number of areas, but they have in common the method of providing popular education in human rights and their closeness to social movements. Thus, the AJUPs emerge as a possibility to re-signify legal education, by designing a practice more humanized and engaged in social causes.

Key words legal education; university outreach; alternative law; popular education in human rights; popular university legal advice.

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Direito e resistência: grupos de assessoria jurídica universitária popular no Ceará

Resumo

A assessoria jurídica universitária popular (AJUP) é um movimento de extensão universitária que atua junto às minorias sociais, como espaço alternativo diante do positivismo dogmático majoritário. Em tal cenário, este artigo tem por objetivo apresentar as AJUPs do Estado do Ceará, suas áreas de atuação, seus obstáculos e suas perspectivas, ressaltando os aspectos pedagógicos construtores da militância em direito. Para tanto, 3 etapas foram percorridas: a) localização dos grupos; b) aplicação de questionários; e c) participação em reuniões. Constatou-se que os 6 grupos identificados atuam em áreas diversificadas, mas eles têm em comum o método de execução da educação popular em direitos humanos e sua proximidade com os movimentos sociais. Dessa forma, as AJUPs surgem como possibilidade de ressignificação da educação jurídica, projetando uma prática mais humanizada e engajada em causas sociais.

Palavras-chave educação jurídica; extensão universitária; direito alternativo; educação popular em direitos humanos; assessoria jurídica universitária popular.

Derecho y resistencia: grupos de asesoría jurídica universitaria popular en Ceará

Resumen

La asesoría jurídica universitaria popular (assessoria jurídica universitária popular – AJUP) es un movimiento de extensión universitaria que actúa junto con las minorías sociales, como un espacio alternativo frente al positivismo dogmático mayoritario. En tal escenario, este artículo tiene como objetivo presentar los grupos de asesoría jurídica universitaria popular (AJUPs) en el Estado de Ceará, sus áreas de actuación, sus obstáculos y sus perspectivas, destacando los aspectos pedagógicos constructores de la militancia en derecho. Para ello, se cubrieron 3 etapas: a) identificación de grupos; b) aplicación de cuestionarios; y c) participación en reuniones. Se constató que los 6 grupos identificados actúan en varias áreas, pero tienen en común el método de ejecución de la educación popular en materia de derechos humanos y su cercanía a los movimientos sociales. De esta forma, los AJUPs emergen como una posibilidad de resignificación de la educación jurídica, proyectando una práctica más humanizada y comprometida con causas sociales.

Palabras clave educación jurídica; extensión universitaria; derecho alternativo; educación popular en derechos humanos; asesoría jurídica universitaria popular.

Introduction

Popular university legal advice (assessoria jurídica universitária popular – AJUP) is a university outreach branch, with roots in alternative law, which shows up as a methodological perspective aimed at the 'popular' sphere. In its essence, it embodies the unfolding of integrative activities between the university and society, guided by popular education to instrumentalize the debate on human rights, as well as the empowerment of historically marginalized subjects.

Although the term *advisory* means that these groups work *with the people* and *for the people*, it is usually adopted as a synonym for *assistance*. Traditionally, within the Brazilian legal framework, court assistance is known as a means to put into practice the principle that provides the poor population with free and comprehensive access to Justice, which is guaranteed by the Constituição da República Federativa do Brasil (CF, 1988).

This assistance model is traditionally offered by the São Paulo State Public Defender's Office, a crucial institution for the State's jurisdictional function, whose craft is advocating for human rights and the individual and collective interests of the poor population, either judicially or extrajudicially.

However, even recognizing the importance of this equipment to promote and advocate the rights of those most in need, it is worth emphasizing that, increasingly, there is a need to use an instrument that, in addition to fight for the rights of the less favored social classes, provides these segments with empowerment, as well as education based on critical awareness and participation in order to constitute a fairer and more equal society.

In this context, the AJUP's practice as a movement that provides an alternative conception to enforce rights aiming at social justice is pointed out, and this proposes a dynamic legal practice, bringing up social, political, and cultural issues in the face of legal formalism and positivism, in order to improve the concept of Bachelor of Laws, in addition to pursuing an educational work along with society, in order to make subjects capable, autonomous, and protagonists of social transformation.

Hence, the term *advisory* shows to be the most appropriate to classify the AJUP and its methodology, as the latter represents an innovative and creative practice for designing law. Popular advisors see in this term a political definition opposed to *assistance* proposals. The advisory service's political action has the purpose of promoting citizen education – through popular education in human rights –, her/his mobilization and her/his community organization so that she/he can understand and act by looking for her/his rights.

In this way, it is within the Paulo Freire's theoretical framework, namely in his methodology for popular education, that the AJUPs find their base, with legal activity and university outreach itself in a dialogical and horizontal way, recognizing in the subjects with whom they work that they can adopt a new society model, guiding the struggle for

realization of rights and guarantees as provided for by legislation, as well as breaking with the model of social exclusion to which they are submitted. This is not an easy task, but it is not impossible.

Considering the above, this article aims to introduce the AJUP groups in Ceará and their contributions to the critical and political unfolding in the academic and popular milieu, seeing in them the possibility of building democratic and horizontal spaces within the scope of law. The data presented are the final results of the research project "Importance of popular legal advice in Brazilian legal education: a survey of the performance of AJUPs in the State of Ceará," conducted between February and December 2018, supported by the Institutional Scholarship Program for Scientific Initiation of the Regional University of the Cariri (PIBIC/URCA), approved by the Public Notice No. 06/2017.

Methodology

With duration of one year, this research consisted of an exploratory and descriptive study, applying a quantitative approach, based on a survey of the work of 6 AJUP groups in Ceará.

Initially, there was a survey of groups participating in the Brazilian National Network of University Legal Advice (RENAJU), an organization that brings together several AJUPs from Brazil. On the RENAJU website there is a mapping of all groups that integrate it, containing name and the institution to which each one is linked. After this identification, previous contact was made through the social network Facebook and the e-mail of each group, explaining this study and inviting it to participate in the research.

Data collection was conducted by having two techniques as a basis: a) participation in joint articulation activities between the groups (online meetings); and b) application of 2 semi-structured questionnaires, namely: i) a questionnaire to characterize the group; and ii) another questionnaire to characterize its members, who responded freely and consentingly to it after accepting to participate in the research.

The 2 questionnaires were sent via *Google Forms* to the members of each AJUP. Out of the 6 AJUP groups identified in Ceará, 5 answered the questionnaire – 1 of them had been deactivated in May 2018. As for their respective members, not all participated, so the participants' profile identification refers only to the 30 people who answered – from the 5 active groups at the time of research.

Brief considerations on the course of law in Brazil

In Brazil, the tradition of legal education has in its roots a strong dogmatic positivism, mostly legalistic, an inheritance of Higher Education in Europe, since, at first, the bachelors who worked in the country came from the University of Coimbra (Portugal). This evidences that the course was a priori aimed at the elites of our society, which had the socioeconomic status needed to pursue an academic career outside the country.

It was only between 1808 and 1810 that the first medical and surgical university courses were created in the capitals of Brazil (Rio de Janeiro-RJ and Salvador-BA). Then came the first Engineering course, followed by Economic Sciences and Visual Arts courses, which appeared in 1820. Only in 1827 the first two legal courses were installed: one in Olinda-PE, later transferred to Recife-PE; and another in São Paulo-SP. Luiz Antonio Bove (2006, p. 120) states that:

[...] obliquely, it was enforced that Higher Education courses having little educational criteria were created to meet the immediate wishes of children belonging to the dominant colonial aristocracy. With this, the Higher Education system underwent, since the beginning, in a significant way, a marked interference of these colleges, not very academic, but in essence having a notable political coloration in vogue at the time.

The author adds that, after 1950, there was a large increase in the number of enrollments in Higher Education due to the country's technological development, which required a better qualification of the workforce, inducing the opening of new federal, state, and municipal colleges. However, the government, assuming to be unable to meet the needs, made it easier for the private initiative to enter the educational field. Thus, teaching quality was dropping, since everything was created in haste, without planning and lacking organization.

The discussion about the legal education crisis is not recent, since the very introduction of Law courses in Brazil, in 1827, already demonstrates a failure, because its initial purpose was qualifying the elites to keep their political, economic, and administrative power in the country. Being a Bachelor of Laws was a sign of the bourgeoisie class status, a phenomenon named as *bachelors' talk* (G. L. Andrade, 2009). According to Linhares (2009), sometimes curriculum review proposals for Undergraduate Law Courses were the subject of debate. However, despite the modifications already instituted in order to improve the course, the roots of positivist dogmatics are still present. In this context, seeing the distinction between teaching and education is key to analyze the AJUP's role in the search for (trans)formation in legal education. Education has as its main focus the "comprehensive development of the potentialities of the human being" (Fagúndez, 1997), while teaching is restricted to the teaching-learning relationship and training seeks only to provide the person with qualification, in an even more restricted way.

Thus, the restricted and limited nature of Higher Courses, in the beginning, detached the popular class from the university environment, as well as the subjects related to it, consolidating a space for instruction, at most for teaching. However, in order to better understand law, it is necessary to grasp the social, cultural, historical, and political dimensions that surround Social Sciences, since Law is a human factor, thus education must be humanistically constructed within this scope.

By virtue of these aspects, it may be understood that the university should base its pedagogical practice on a macroperspective, establishing a causal relation between reality and theory, grounded in all possible dimensions to build interconnected ideas. For this reason, education cannot be limited to the classroom, to formalism, to mere domestication of human beings through education – just as Paulo Freire (2005) sees when addressing *banking education*.

From the law crisis to the awakening: experiences of popular university legal advice

Once the issues of legal education construction are understood, we notice that the alternative proposals of legal education and practice are, in fact, ideas that resist in the dispute for a legal epistemology that is open to pluralism of ideas, to diversity and to shift the paradigm imposed by the academic technicality of the Law courses. Thus, Ana Lia Vanderlei de Almeida (2015) points out the AJUPs as the 'crackles' that the Law schools lacked in order to change.

In this outline, to better understand the proposal offered by these groups, the concept and actual meaning of popular legal advice (AJP) is initially delimited:

The AJUP is a part of the broader notion of 'Popular Legal Advice' (Assessoria Jurídica Popular – AJP), related to practices of subjects from the legal field who are situated alongside the workers and other subalternate subjects in their struggles in class society. 'popular legal advice' may be understood as a gender that has two main fields: that of **popular legal practice** bringing together female and male lawyers; and that of **popular university legal advice**, formed by groups linked to universities (usually situated within the scope of outreach), starred by

students and/or professors, mainly in Law, but also in other areas [...] (Almeida, 2015, p. 48, highlighted by the author).

The leading fact of this unique way of understanding and working in the legal area, along with the most strained layers of society, was born of social demands in the postdictatorial political and ideological context. Also, there was a strong movement of popular lawyers against the dictatorship, which fought for protecting the rights of those persecuted and political prisoners during the military regime. Antônio Alberto Machado (2009, p. 1) claims that alternative law is a "political/legal and practical/theoretical movement, triggered in the late 1960s by judges who are members of the so-called Democratic Magistracy of Italy, then spreading across Spain until arriving at Latin America."

This movement was firstly articulated by professors and other law practitioners, who came to see it as a favorable instrument of social change, democratic solidification, and construction of a fair society.

This aspect of legal thought, it is worth emphasizing right away, even proposes a frank rupture with the liberal/positivist legal model, which structures bourgeois law and keeps the domination scheme in capitalist society, seeking new paradigms for science and for legal praxis, by means of a dialectical view of the legal phenomenon that announces a new society model, most likely with a socialist nature (Machado, 2009, p. 1).

Likewise, Lédio Rosa de Andrade (1996, p. 5, highlighted by the author), one of the most recognized law-writers due to his study on alternative law, points out that the latter:

Intends to be another form of struggle existing and made available to those wishes to remain fighting against violence, exploitation, misery, and all other dissenting forms of the human being. In a country where the State and legal institutions serve rather to regress in historical achievements, allowing and widening social inequalities, rampant exploitation and phatic slavery of popular strata, than to enable equalities and freedoms, triggered this movement within the legal framework, not in order to create an optimal society, but rather to enable turning the Law Science into another means of litigation, in defense of what is often named as the *great achievements of mankind*.

It is worth emphasizing that this law conception marks a fierce criticism, always starting from the question on how and for whom the law works. A certain exhaustion of

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the positive-normative paradigm in the legal area is identified, which is nothing more than mere reflection of the capitalist system, which subjected people to a scenario of injustice and exclusion. Paulo Roney Ávila Fagúndez (1997) points out in his studies the crisis that devastates law, which starts from the bachelor's education:

There is a need to analyze the major crises affecting legal education. [...] the functional crisis is unfolding in labor market crisis and in identity and legitimacy crisis among law practitioners. In turn, the operational crisis is subdivided into curricular crisis, didactic-pedagogical crisis, and administrative crisis. The third major crisis [...] is structural and it has two essential aspects: the political-ideological paradigm crisis and the epistemological paradigm crisis. It should not be overlooked that modern rationality has organized the education model that still prevails today.

Faced with this operational and systematic crisis, it is perceived that any university student should have an education based, in fact, on the pedagogical tripod *teaching, research,* and *outreach* – that provides the university with a framework. Hence the importance and need that students put things into question and adopt a critical view of law, in addition to perceiving and engaging in social struggles.

Only the codes are not enough for providing a Law student with vocational education and citizen-friendly education. Thus, it is urgent to seek new theoretical frameworks in Law Science, which open room for new conflict resolution means, for pluralism and debate of ideas, as well as interdisciplinarity, seeking to change, and no longer preserve, such a plastered social reality, which reproduces prejudices, marginalization, and criminalization of individuals and specific groups.

The AJUP nuclei were born in Brazil in order to fill this gap in legal education, with a proposal of differential education. The first AJUP group emerged in the mid-1950, at the Federal University of Rio Grande do Sul (UFRGS), and the second in 1963, at the Federal University of Bahia (UFBA), where undergraduate students and professors in Law sought to put into practice along with the population everything they have learned on a theoretical basis (Almeida, 2015).

However, the view that constructing legal advice with and for the people is a must was not consolidated a priori, yet. It was only by strengthening and unifying the movements for advocating and protecting human rights and justice in the context of military dictatorship in Brazil that more AJUP groups emerged with a theoretical basis resorting to critiques of law, alternative law, and Paulo Freire's popular education. After these early AJUP experiences, diverse nuclei started appearing all over the country.

University legal advice in the state of Ceará

The RENAJU website provides a mapping of AJUPs, AJPs, and social movements that work according to the same rationale, containing 37 nuclei. In turn, Fabiana Cristina Severi (2014, p. 23) mapped and analyzed the experiences of Brazilian AJUPs, identifying 42 nuclei in the country. However, this research surveyed nuclei only in the State of Ceará, identifying 6 AJUPs, among which 1 was deactivated during the development of this research. Also, 2 popular law offices were mapped (Table 1).

Nucleus' name	University/municipality	Time of operation
Centro de Assessoria Jurídica Universitária (CAJU)	Federal University of Ceará (UFC) – Fortaleza	21 years
Núcleo de Assessoria Jurídica Comunitária (NAJUC)	UFC – Fortaleza	26 years
Serviço de Assessoria Jurídica Universitária Popular (SAJUP)	Universidade de Fortaleza (UNIFOR) - Fortaleza	19 years
Coletivo de Assessoria Jurídica Universitária Popular (CAJUP Sitiá)	Centro Universitário Católica de Quixadá (Unicatólica Quixadá) – Quixadá	3 years
AJUP Maria Tomásia	Ceará State University Vale do Acaraú (UVA) – Sobral	2 years and 5 months (deactivated)
Programa de Assessoria Jurídica Estudantil (P@JE)	Regional University of the Cariri (URCA) – Crato	13 years

Table 1 - Mapping of popular university legal advisory groups in Ceará

Source: Prepared by the authors.

In addition to the AJUP groups, there are 2 popular law offices in Fortaleza: a) the Office of Human Rights and Legal Advice "Frei Tito de Alencar;" and b) the Law Office "Dom Aluísio Lorscheider." They do carry out activities in partnership with the AJUP nuclei in Fortaleza, thus considering them herein is justified.

Each group under analysis operates in a different area. The Núcleo de Assessoria Jurídica Comunitária (NAJUC), conceived in the Law course of the Federal University of Ceará (UFC), in Fortaleza, has 26 years of existence and 9 members. It has always worked in the defense of human rights and already established several interconnections to the social

movements in order to guarantee decent housing in communities located in the Ceará state capital. It has also worked in the prison area, especially within the socio-educational domain, holding workshops and producing reports both in communities and along with people in conflict with the law.

Within the university, the NAJUC promotes events on issues of gender, sexuality, negritude, the housing right, human rights, among others that are not debated and addressed in detail within the academic community. Currently, it is striving to deploy the Special Zones of Social Interest (Zonas Especiais de Interesse Social – ZEIS) in Fortaleza, an instrument used in the municipal director plans for better structuring, thus putting into practice the social functions of the city and urban property, promoting urban and agrarian regularization in settlements that shelter low-income families, eliminating the risks of occupying inadequate areas and expanding the urban infrastructure and community equipment available – and this promotes environmental quality among their inhabitants.

However, although it is the oldest group in Ceará, the NAJUC claims to go through great difficulties. An educational institution does not provide its activities with funding, and lack of resources is one of the main obstacles to better fulfilling such activities.

In addition to the NAJUC, the UFC also has the University Legal Advisory Center (Centro de Assessoria Jurídica Universitária – CAJU), with 21 years of existence and 14 active members. Regarding its most current activities, it claims to monitor the Fight Front for Dignified Housing (Frente de Luta por Moradia Digna) since 2015, as well as the Management Council of the ZEIS Lagamar; in 2016, it initiated a project that provides training in Ceará state public schools and in urban occupations – among them the Movement of Homeless Workers (Movimento dos Trabalhadores Sem Teto – MTST) – concerning access to Justice and right to the city, and it also holds periodic events at the Law school, as the "Cine University Freshman" (Cine Calouro) and the "Critical Dialogues" (Diálogos Críticos), in the beginning of each semester, among others.

In turn, the Public University Legal Advisory Service (Serviço de Assessoria Jurídica Universitária Popular – SAJUP), of the Universidade de Fortaleza (UNIFOR), a private institution, which has 19 years of operation, proving to be as resilient as the others, since private Higher Education institutions (HEIs) still remain more closed to promoting activities that consider alternative ideas within the scope of law. Initially, its work took place along with the communities Pau Finim and Titanzinho, in for the housing right and access to Justice. It also monitored the urban occupation Squat Toren, in Fortaleza, the struggle activities of the ZEIS and the Popular World Cup Committee. And it worked along with communities in Fortaleza affected by the construction of the Light Rail Vehicle (LRV).

The Student's Legal Counseling Program (Programa de Assessoria Jurídica Estudantil – P@JE) has 13 years of existence and 25 active members. In the questionnaire, it was reported that the P@JE has already conducted university outreach activities with inmates

at the public prison-house in the Municipality of Crato-CE, with the youth group at the Settlement April 10 (Assentamento 10 de Abril), which participates in the Landless Rural Workers Movement (Movimento dos Trabalhadores Rurais Sem Terra – MST), with young people in conflict with the law at the Semi-Liberty Center of Juazeiro do Norte-CE and with High School students from Ceará state public schools in the Cariri Region. At the university, it also holds events on issues related to human rights and the fight against oppression related to gender, race, and sexual orientation. It constantly seeks to establish partnerships with social movements, always participating in the demonstrations and agendas of regional struggles.

The Group of Popular University Legal Advice (Coletivo de Assessoria Jurídica Universitária Popular – CAJUP Sitiá), of the Centro Universitário Católica de Quixadá (Unicatólica Quixadá), a private institution, which has only 3 years of existence and 6 members. It reported in the questionnaire that its main achievement took place in the fight along with the communities Cafundó and Escondidos to obtain 26 cisterns, in order to have access to drinking water. Although it has already been very active at the university and communities in the municipality, and generated a great recognition of its significance within the HEIs, always discussing human rights issues. However, its members confess to be experiencing a crisis since the second half of 2018, which made it impossible to maintain their activities at the communities, but they keep organizing within the HEI.

In Sobral-CE there was, at the Ceará State University Vale do Acaraú (UVA), until the middle of 2018, the AJUP Maria Tomásia – which almost reached 3 years of operation. The group reported getting to fulfill activities at municipal public schools and university events, such as conversation rounds on popular university outreach, human rights, race and gender issues. However, the lack of support from the HEI made it harder to conduct such activities and, as a consequence, made the group's survival unviable by itself.

After understanding the research's content and agreeing to participate in the study voluntarily, the group members answered the questionnaire about the motivations that led them to participate in the AJUPs.

Members of the NAJUC stated:

I need to see law not being used to legitimize the ruling class, even being aware of its own limitations. (Ítalo, 23 years old)

I have always been identified with social agendas, and the AJP encouraged these discussions, as well as the wish to take a course different from that offered by college, going outside the university walls and taking a different view of the world and law. (Isabella, 20 years old)

SAJUP members were motivated by their "affinity with social agendas and criticism of traditional law" (Wesley, 21 years old) and by a "critical view of law as learned at the academy, participation in social movements, effective social change" (Fabiana, 19 years old). P@JE members pointed out:

> Interest in making a difference and helping people, I loved the proposal of my group and wished to participate in the cause. (Dandara, 19 years old) The approach to issues related to human rights, the possibility of joining a popular legal advice movement, on a university outreach basis and contributing horizontally to society and to each other. (Raquel, 22 years old)

And CAJU members reported:

My indignation at the passivity and trivialization of many people around me, both at the university and outside it, in relation to the constant violations of rights that happen daily, especially in Fortaleza; the will to contribute to the realization of rights belonging to those who face the most difficulties in order to have their primary guarantees assured and the perception of law as a tool that should be at the service of those people who have been marginalized by a system that should provide them with dignity. Also, something that made me believe more strongly in social causes was to have participated in the Critical Dialogues, conversation rounds on issues that pass through the group's activities in the beginning of each semester, carried out by the CAJU-UFC, in my first semester at the university. (Natália, 19 years old) The social perspective that legal advice brings to the practice of law, traditionally allied with an elitist thought and detached from the most marginalized populations. The AJUP's practice changed very much my idea of Law, until then a course that did not leave me comfortable, as for my view of university and the world at the time. Being active in communities, fighting for social justice, reaffirming the daily commitment to vulnerable populations makes me believe every day that the fight is worth it and that each achievement in such a small action makes a difference in the lives of hundreds of people. (Victory, 19 years old)

Among those under analysis, the majority answered they wish to keep working at the Public Defender's Office and at popular law offices. In addition, answers such as the need and will to engage, agreement with the causes and flags advocated, and search for new issues within the scope of Law demonstrate that participating in these groups induces undergraduate students to awaken to active participation in the struggle for guaranteeing and protecting human rights and towards social transformation. An influence that is not possible within the traditional parameters of the Law course in the classroom.

Final remarks

The broader notion of what *education* is, which differs from *teaching* and *instruction*, enables a new conception of practices, knowledge, and learning. The AJUP, theoretically based on popular education regarding human rights, takes a role of great relevance within the Law school by seeking coexistence, thinking of new epistemologies, discussing social places, and breaking with the single view, mostly positivist, imposed in the legal area.

It should be borne in mind that knowledge enclosed and limited to the classroom and to the letter of law is not effective. The concern with society at the AJUP nuclei, as well as their permanent political education based on the critical view of law, their work along with the social movements, and their active participation in dispute taking place in the context of class division and class struggle, demonstrate the contribution for educational, professional, and human perfection of a popular adviser.

This study described the role played by AJUPs within HEIs, which enables undergraduate courses in Law to think through their qualification, methods, and course materials, interconnecting research and outreach practices, seeking to build a more democratic university environment and to prepare legal operators to engage in social struggles.

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